

REMARKS

This response amends claims 1 and 9-16. Support for the amendments can be found, e.g., in Figs. 2-4, page 2, lines 12-19 and page 6, line 25 to page 7, line 10 of the specification. Upon amendment, the present application has one independent claim (claim 1) and 16 total claims (claims 1-16). Thus, no fee for excess claims is necessary.

35 USC 102(b) Rejections

In section 2 of the Office Action, the Examiner rejects claims 1-16 under 35 USC 102(b) as being anticipated by Ohyaba et al. (US Patent No. 6,144,753). These rejections are respectfully traversed.

Ohyaba et al. fails to disclose, suggest, or teach, *inter alia*, the following features recited by the amended claim 1 of the present application:

“said at least one arm member has substantially a rectangular cross section with four curved corners having a predetermined radius of curvature, in a perpendicular direction to a longitudinal direction of said at least one arm member.”

Ohyaba et al. discloses a speaker having a damper for supporting vibrating elements, which is small in size but capable of reproducing a louder and low voice. Ohyaba et al. does not mention that the arm members (connecting portions 42) have a race track shaped cross section. In fact, it seems that Ohyaba et al. nowhere shows or mentions the shape of the

cross section of the connecting portion 42. Fig. 2 of Ohyaba (corresponding to Fig. 1 of the present application) illustrates a plain view of the damper 13 and the connecting portion 42, not the cross section of the connecting portion, as illustrated in Fig. 3 of the present application.

Since the shape of the cross section of the connecting portion is not mentioned at all in Ohyaba, Ohyaba fails to teach a race track shaped cross section or that "said at least one arm member has substantially a rectangular cross section with four curved corners having a predetermined radius of curvature, in a perpendicular direction to a longitudinal direction of said at least one arm member", as recited by amended claim 1.

As mentioned at pages 1-2 of the specification, the "racetrack-shaped" cross section has curved corners with a prescribed radius so as to prevent concentration of stress to avoid breakage or rupture of the arm member. Ohyaha **does not recognize this problem** or any relationship between the shape of the cross section and concentration of stress on the arm members. Thus, Ohyaha does not teach the above-quoted limitation of claim 1 and there is **no motivation** to have such limitation in Ohyaha's device.

MPEP 2131 states that a "claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," quoting *Verdegaal Bros v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Since the cited reference fails to disclose the elements stated above, the Applicants believe that claim 1 of the present application is patentable. Claims 2-16 are also patentable, at least by virtue of their dependency from claim 1. Moreover,

these dependent claims are patentable by virtue of the additional features cited therein.

~~The Applicant has attempted to address all of the issues raised by the~~
Examiner in the Office Action as the Applicant understands them. The Applicant believes that all claims are patentable and that the Application is now in condition for allowance. If any point requires further explanation, the Examiner is invited to telephone Troy Cai at (323) 934-2300 or e-mail Troy Cai at tcai@ladasparry.com.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Enclosed please find a copy of Troy Guangyu Cai's Notice of Limited Recognition under 35 CFR 10.9(b) to prepare and prosecute patent applications wherein the patent applicant is a client of Ladas & Parry, and the attorney of record in the applications is a registered practitioner who is a member of Ladas & Parry.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on March 17, 2003

(Date of Deposit)

Troy Guangyu Cai

(Name of Applicant, Assignee or Registered Representative)



(Signature)

3/17/2003

(Date)

Respectfully submitted,



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Appendix A
Marked-up Copy of the Amended Claims

1. (Amended) A butterfly damper comprising:
an inner circumferential frame;
an outer circumferential frame; and
~~at least one arm member having one end connected to said outer~~
circumferential frame and an other end connected to said inner
circumferential frame,
wherein:
said at least one arm member has [a racetrack-shaped cross section]
substantially a rectangular cross section with four curved corners having a
predetermined radius of curvature, in a perpendicular direction to a
longitudinal direction of said at least one arm member.

9. (Amended) The butterfly damper as claimed in Claim 1, wherein:
said outer circumferential frame has opposite end surfaces and an
inner peripheral surface, said inner peripheral surface being connected to
said opposite end surfaces to form opposite connecting circumferential edge
portions; and
said one end of said at least one arm member is connected to a portion
of said inner peripheral surface of said outer circumferential frame, said
portion excluding said opposite connecting circumferential edge portions so
that a thickness of said at least one arm member is smaller than a thickness
of said outer circumferential frame.

10. (Amended) The butterfly damper as claimed in Claim 2, wherein:
said outer circumferential frame has opposite end surfaces and an
inner peripheral surface, said inner peripheral surface being connected to
said opposite end surfaces to form opposite connecting circumferential edge
portions; and
said one end of said at least one arm member is connected to a portion
of said inner peripheral surface of said outer circumferential frame, said
portion excluding said opposite connecting circumferential edge portions so
that a thickness of said at least one arm member is smaller than a thickness
of said outer circumferential frame.

11. (Amended) The butterfly damper as claimed in Claim 3, wherein:

said outer circumferential frame has opposite end surfaces and an inner peripheral surface, said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting circumferential edge portions; and

said one end of said at least one arm member is connected to a portion of said inner peripheral surface of said outer circumferential frame, said portion excluding said opposite connecting circumferential edge portions so that a thickness of said at least one arm member is smaller than a thickness of said outer circumferential frame.

12. (Amended) The butterfly damper as claimed in Claim 4, wherein:
said outer circumferential frame has opposite end surfaces and an inner peripheral surface, said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting circumferential edge portions; and

said one end of said at least one arm member is connected to a portion of said inner peripheral surface of said outer circumferential frame, said portion excluding said opposite connecting circumferential edge portions so that a thickness of said at least one arm member is smaller than a thickness of said outer circumferential frame.

13. (Amended) The butterfly damper as claimed in Claim 5, wherein:
said outer circumferential frame has opposite end surfaces and an inner peripheral surface, said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting circumferential edge portions; and

said one end of said at least one arm member is connected to a portion of said inner peripheral surface of said outer circumferential frame, said portion excluding said opposite connecting circumferential edge portions so that a thickness of said at least one arm member is smaller than a thickness of said outer circumferential frame.

14. (Amended) The butterfly damper as claimed in Claim 6, wherein:
said outer circumferential frame has opposite end surfaces and an inner peripheral surface, said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting circumferential edge portions; and

said one end of said at least one arm member is connected to a portion

of said inner peripheral surface of said outer circumferential frame, said portion excluding said opposite connecting circumferential edge portions so that a thickness of said at least one arm member is smaller than a thickness of said outer circumferential frame.

15. (Amended) The butterfly damper as claimed in Claim 7, wherein: ~~said outer circumferential frame has opposite end surfaces and an~~ inner peripheral surface, said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting circumferential edge portions; and

said one end of said at least one arm member is connected to a portion of said inner peripheral surface of said outer circumferential frame, said portion excluding said opposite connecting circumferential edge portions so that a thickness of said at least one arm member is smaller than a thickness of said outer circumferential frame.

16. (Amended) The butterfly damper as claimed in Claim 8, wherein: said outer circumferential frame has opposite end surfaces and an inner peripheral surface, said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting circumferential edge portions; and

said one end of said at least one arm member is connected to a portion of said inner peripheral surface of said outer circumferential frame, said portion excluding said opposite connecting circumferential edge portions so that a thickness of said at least one arm member is smaller than a thickness of said outer circumferential frame.

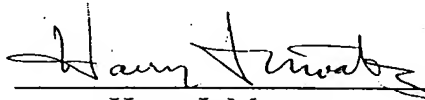
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATE PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Guangyu Cai is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Ladas & Parry to prepare and prosecute patent applications wherein the patent applicant is a client of Ladas & Parry, and the attorney or agent of record in the applications is a registered practitioner who is a member of Ladas & Parry. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Guangyu Cai ceases to lawfully reside in the United States, (ii) Guangyu Cai's employment with Ladas & Parry ceases or is terminated, or (iii) Guangyu Cai ceases to remain or reside in the United States on an H-1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: November 19, 2003



Harry I. Moatz

Director of Enrollment and Discipline